

DD-0-1855

**A SUBSTITUTE ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING: THE ABANDONMENT OF CERTAIN PUBLIC STREETS KNOWN AS STRONG STREET, DAVIS STREET, A PORTION OF GRAY STREET LOCATED NORTH OF KENNEDY STREET, AND PORTIONS OF THE ORIGINAL NORTH AVENUE RIGHT-OF-WAY, ALL LYING AND BEING IN LAND LOT 82 OF THE 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA; AND THE EXECUTION BY THE MAYOR OF A QUITCLAIM DEED AND EXCHANGE AGREEMENT TO PROVIDE A MECHANISM FOR THE FUNDING OF THE ACQUISITION AND CONVEYANCE OF THE ABANDONED STREETS; AND TO WAIVE CERTAIN PROVISIONS OF SECTION 138-5 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal petition from the abutting land owners of certain affected property, the Atlanta Development Authority ("ADA") and the Northyards Business Park Limited Liability Company ("LLC"), to abandon the following streets (collectively, the "Proposed Abandoned Properties"):

- [i] Strong Street, from Kennedy Street north to North Avenue;
- [ii] Davis Street, from Kennedy Street north to North Avenue;
- [iii] A portion of Gray Street, from Kennedy Street north to North Avenue; and
- [iv] Portions of the original North Avenue right-of-way from Gray Street west to Strong Street;

WHEREAS, ADA and LLC are also in the process of acquiring all property abutting another street in the area, Emmett Street, and anticipate petitioning the City in the near future to abandon Emmett Street, once the abutting property acquisition has been completed;

WHEREAS, ADA and LLC are jointly proposing to develop the area (including the Proposed Abandoned Properties and Emmett Street) into a business park, as a City-supported redevelopment project pursuant to the English Avenue Redevelopment Plan approved by the Atlanta City Council, and as part of an Atlanta Empowerment Zone initiative;

WHEREAS, Section 2-1578 of the City's Code of Ordinances requires a petitioner for the abandonment of streets to remit payment to the City for the abandonment in the amount of the appraised value of the streets to be abandoned;

WHEREAS, the ADA and LLC have had an appraisal of the Proposed Abandoned Properties and Emmett Street performed, which appraisal established a collective value for the Proposed Abandoned Properties and Emmett Street of \$438,000¹;

WHEREAS, the City's Director of its Bureau of Purchasing and Real Estate has caused the appraisal to be reviewed by the appropriate City representatives and agents and has determined that the appraisal value of \$372,000 pertaining to the Proposed Abandoned Properties represents a fair and acceptable price for which the City may sell the Proposed Abandoned Properties to the ADA and LLC [or their designee(s)];

WHEREAS, the City's Director of its Bureau of Purchasing and Real Estate has also determined that the appraisal value of \$66,000 pertaining to Emmett Street represents a fair and acceptable price for which the City may, in the near future, sell Emmett Street to the ADA and LLC [or their designee(s)], upon appropriate petition to the City for, and legislative approval of, such action;

WHEREAS, at present, and in lieu of the payment to the City of cash for the appraised value of the Proposed Abandoned Properties, the ADA and LLC have proposed to the City that the ADA and LLC, or their agents, construct sidewalks and other improvements (collectively, the Proposed Improvements") on and/or adjacent to the Proposed Abandoned Properties and Emmett Street, with an estimated construction cost and value of \$491,000, and convey those Proposed Improvements and the necessary rights of way concerning those Proposed Improvements to the City in exchange for the City's conveyance to the ADA and LLC (or their designee[s]) of the Abandoned Properties;

WHEREAS, further, if ADA and LLC are successful in the future in obtaining title to all property abutting Emmett Street, they have advised the City that they will petition the City for the abandonment of Emmett Street and proposed that the value of Proposed Improvements in excess of the appraised value of the Proposed Abandoned Properties (\$119,000) be credited to the ADA and LLC for the purchase of Emmett Street;

¹ The appraisal established the following values for the Proposed Abandoned Properties and Emmett Street:

1.	1.	Emmett Street	\$66,000
2.	2.	Strong Street	\$195,000
3.	3.	Davis Street	\$36,000
4.	4.	Gray Street	\$108,000
5.	5.	North Avenue	\$33,000
Total:			\$438,000

WHEREAS, a copy of petitioner's proposal and plat identifying the Abandoned Properties and Emmett Street, as well as the location of the Proposed Improvements to be constructed by the ADA and LLC, is attached as Exhibit 1;

WHEREAS, the ADA's and LLC's request to the City to abandon the Proposed Abandoned Properties and to fund the ADA's and LLC's purchase price for them by constructing the Proposed Improvements and conveying them and associated rights of way to the City has been reviewed and approved by the City's Bureau of Purchasing and Real Estate, Department of Public Works and Public Utilities Committee and is deemed to be in the best interests of the City to consummate;

WHEREAS, if the ADA and LLC are, in the future, successful in acquiring all rights to the property abutting Emmett Street, and upon successful application to, and legislative approval of, the City for the abandonment of Emmett Street, the City will credit the remainder of the value of the Proposed Improvements to the ADA's and LLC's proposed purchase of Emmett Street, such that no additional sums of money for the purchase of Emmett Street will be owed by the ADA and LLC, other than the fee for the proposed abandonment advertisement; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

- Section 1. That the Proposed Abandoned Properties, Strong Street, Davis Street, a portion of Gray Street, and portions of the original North Avenue right-of-way, all as shown on the attached Exhibit 2, are declared by the City to be no longer useful or necessary for public use and convenience.
- Section 2. That the City is authorized, after the City's Bureau of Purchasing and Real Estate and Department of Public Works have confirmed that ADA and LLC have satisfied all conditions precedent under City Ordinance Nos. 2-1578 and 138-5, to convey by Quitclaim Deed to the ADA and LLC (or their designee[s]) the Proposed Abandoned Properties in exchange for the ADA's and LLC's, or their agents', construction of the Proposed Improvements and conveyance to the City of the necessary rights of way concerning the Proposed Improvements.
- Section 3. That all reservations within the Proposed Abandoned Properties for existing public or private utility easements will remain in effect for the purposes of entering the Proposed Abandoned Properties to operate, maintain, or replace the utility facilities. These easements will remain in effect until such time that the utilities are abandoned, removed or relocated, at which time the easements will expire.
- Section 4. That the Mayor is authorized to execute and deliver a Quitclaim Deed conveying the Proposed Abandoned Properties to the ADA and LLC (or

their designee[s]) and an Exchange Agreement between the City and the ADA and LLC setting forth their agreement concerning the ADA's and LLC's payment of the purchase price for the Proposed Abandoned Properties and the construction of the Proposed Improvements to the Proposed Abandoned Properties by the ADA and LLC, or their agents.

Section 5. That the advertisement portion of the fees set forth in Section 138-5(a)(5) of the City's Code of Ordinances will be paid by the ADA and LLC to the City prior to the delivery of the Quitclaim Deed and Exchange Agreement and the appraisal cost portion of the fees set forth in that Ordinance are waived by the City.

Section 6. That the City Attorney is directed to prepare a Quitclaim Deed and Exchange Agreement for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction, to be approved by the City Attorney as to form.

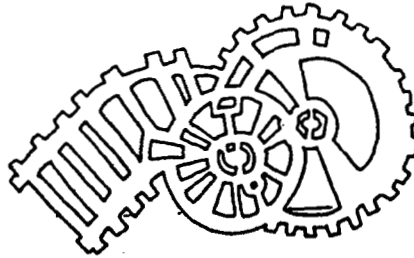
Section 7. That the Quitclaim Deed and Exchange Agreement will not become binding upon City and City will incur no liability under them until the Mayor has executed them, they have been attested to by the Municipal Clerk, and delivered to the ADA and LLC, or their designee(s).

Section 8. That, if the ADA and LLC are, in the future, successful in acquiring all rights to the property abutting Emmett Street, and upon successful application to the City for the abandonment of Emmett Street, and the legislative approval of that abandonment, the City will credit the remainder of the value of the Proposed Improvements to the ADA's and LLC's proposed purchase of Emmett Street, such that no additional sums of money for the purchase of Emmett Street will be owed by the ADA and LLC, other than the fee for the proposed abandonment advertisement required by Section 138-5(a)(5) of the City's Code of Ordinances.

Section 9. That all code sections, ordinances, and parts of code sections and ordinances in conflict with this Ordinance are waived.

EXHIBIT 1

PROPOSAL



Northyards Business Park, LLC • 50 Hurt Plaza, Grand Lobby
Atlanta, GA 30303
Phone 404-524-2672 • Fax 404-522-0070

MEMORANDUM

TO: Council Utility Committee

FROM: Constance Callahan, VP of COPA, Inc., as managing partner of Northyards Business Park, L.L.C

DATE: November 13, 2000

SUBJECT: Abandonment of Streets

The Northyards Business Park, L.L.C. has petitioned for the abandonment of certain streets within the proposed business park. We are also requesting that the fee and right -of-way acquisition costs be waived since we are providing new street right-of-way, and sidewalks, to the City of Atlanta in excess of the value of the street rights-of-way to be abandoned.

Facts to be considered in waiving fee and acquisition costs:

- The value of real estate in the new road, plus the value of new sidewalks being constructed, exceeds the real estate value of the existing streets to be abandoned;
- Cost of new project infrastructure that will be dedicated to the City is significantly higher than the value of the rights of way of the existing streets;
- As a result of the project, over 7,300 linear feet of sidewalks will be constructed throughout the redevelopment area to ensure pedestrian access and safety;
- This is an area of the City that is a Brownfield site and is a severely blighted, crime ridden area which will be redeveloped into a business park creating new job opportunities and added tax base for the City;

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November 13, 2000
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- Payment for the rights-of-way by the Northyards Business Park, L.L.C will significantly reduce the proceeds going to an Community Fund that was established to reinvest in the neighborhood;
- This a city project - all abutting property is owned by Downtown Atlanta Revitalization ("DAR") or the Downtown Development Authority ("DDA") entities of the Atlanta Development Authority, a partner in the business park.

Exhibits "A" and "B" detail the value exchange being received by the City as a result of this redevelopment project. Please note that at this time the request is to abandoned all streets with the exception of Emmett Street. Emmett Street shall also be abandoned once final acquisition of adjoining property is complete.

We, the members of the Northyards Business Park, L.L.C which includes the Atlanta Development Authority, Antioch Urban Ministries and COPA, Inc., ask for your support in this request.

Attachments

Northyards Business Park
Street Abandonment
Review of Land and Sidewalk Value

<u>A. Value of Abandoned Streets</u>	<u>Amount</u>
2.52 acres of streets to be abandoned	\$438,000*
<u>B. Value of New Road and Sidewalks</u>	
1.45 acres of new street at \$5.00/ square foot* (land only - excludes construction costs)	315,810
2,200 linear feet of sidewalks along new street at \$4.00/ square foot	52,800
1,100 linear feet of sidewalks along new south access road at \$4.00/ square foot	26,400
1,200 linear feet of new sidewalks along Northside Drive and North Avenue at \$4.00/ square foot	28,800
2,820 linear feet of new sidewalks along Kennedy Street and John Street at \$4.00/ square foot	67,680
Total Value of New Street and Sidewalks	\$491,490
<u>C. Net Benefit to City of Atlanta</u>	<u>\$53,490</u>

Note: Refer to attached map depicting location of street and sidewalks.

*based on appraisal value

Northyards Business Park
Street Abandonment
Review of Land and All Infrastructure Value

	<u>Amount</u>
<u>A. Value of Abandoned Streets</u>	
2.52 acres of streets to be abandoned	\$438,000*
<u>B. Value of New Road and Sidewalks</u>	
1.45 acres of new street at \$5.00/square foot* (land only - excludes construction costs)	315,810
2,200 linear feet of sidewalks along new street at \$4.00/square foot	52,800
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1,200 linear feet of new sidewalks along Northside Drive and North Avenue at \$4.00/square foot	28,800
2,820 linear feet of new sidewalks along Kennedy Street and John Street at \$4.00/square foot	67,680
Total Value of New Street and Sidewalks	\$491,490
<u>C. Value of Road and Utility Infrastructure Construction</u>	<u>\$883,690</u>
<u>D. Net Benefit to City of Atlanta</u>	<u>\$830,200</u>

Note: Refer to attached map depicting location of street and sidewalks.

*based on appraisal value

[illegible]

Map shows existing streets with overlay of new street.

Now

EXHIBIT 2

LEGAL DESCRIPTIONS

STRONG STREET

For a POINT OF BEGINNING commence at a point formed by the intersection of the northerly right of way line of Kennedy Street and the westerly right of way line of Strong Street; thence run N00°45'02"E along the westerly right of way line of Strong Street 612.87' to a point on the southerly right of way of North Avenue; thence N88°09'11"E along the right of way of North Avenue 60.06' to the easterly right of way line of Strong Street; thence S00°45'02"W 615.52 to the northerly right of way of Kennedy Street; thence N89°18'52"W 60.00' to the westerly right of way line of Strong Street and the POINT OF BEGINNING. Containing 36,851.68 SQ. FT.

DAVIS STREET

For a POINT OF BEGINNING commence at a point formed by the intersection of the northerly right of way line of Kennedy Street and the westerly right of way line of Davis Street; thence run N00°43'58"E along the westerly right of way line of Davis Street 608.33' to a point on the original south right of way line of North Avenue; thence S89°04'03"E 20.00' to the easterly right of way line of Davis Street; thence S00°43'58"W along the easterly right of way line of Davis Street 608.24' to the northerly right of way line of Kennedy Street; thence N89°18'52"W 20.00' TO THE POINT OF BEGINNING. Containing 12,165.73 SQ. FT.

PORTION OF GRAY STREET

For a POINT OF BEGINNING commence at a point formed by the intersection of the northerly right of way line of Kennedy Street and the westerly right of way line of Gray Street; thence run N00°39'05"E along the westerly right of way line of Gray Street 607.40' to a point on the original south right of way line of North Avenue; thence N63°14'23"E 67.50' to the easterly right of way line of Gray Street; thence S00°40'14"W along the easterly right of way line of Gray Street 638.51' to the northerly right of way line of Kennedy Street extended; thence N89°18'52"W 59.71' TO THE POINT OF BEGINNING. Containing 37,375.66 SQ. FT.

ORIGINAL NORTH AVENUE RIGHT OF WAY "1"

For a POINT OF BEGINNING commence at a point formed by the original south right of way line of North Avenue and the westerly right of way line of Gray Street; thence N89°04'03"W along the original south right of way line of North Avenue 412.95' to the easterly right of way line of Strong Street; thence N00°45'02"E along the easterly right of way line of Strong Street 6.35' to the new Right of way line of North Avenue; thence N88°09'11"E along the new right of way line of North Avenue 232.00' to the beginning of a curve to the left; thence along said curve an arc distance of 333.09', said curve having a chord of 331.77' and a chord bearing of N79°18'43"E; thence S00°28'53"W 6.60' to a point; thence S61°59'23"W 96.00' to a point on the easterly right of way line of Gray Street; thence S63°14'23"W 67.50' to the westerly right of way line of Gray Street and the POINT OF BEGINNING. Containing 10.991.07 SQ. FT.

ORIGINAL NORTH AVENUE RIGHT-OF-WAY "2"

For a POINT OF BEGINNING commence at a point formed by the original south right of way line of North Avenue and the westerly right of way line of Strong Street; thence N89°19'56"W along the original south right of way line of North Avenue 78.18' to a point; thence N88°09'11"E along the right of way line of North Avenue 78.26' to the right of way line of Strong Street; thence S00°45'02"W along the right of way line of Strong Street 3.43' to the POINT OF BEGINNING. Containing 134.22 SQ. FT.

